

**LAW OFFICES OF  
LOUIS E. GITOMER**

LOUIS E. GITOMER  
LOU\_GITOMER@VERIZON.NET

225294

THE ADAMS BUILDING, SUITE 301  
600 BALTIMORE AVENUE  
TOWSON, MARYLAND 21204-4022  
(202) 466-6532  
FAX (410) 332-0885

June 29, 2009

Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423



RE: Finance Docket No. 35255, *Temple & Central Texas Railway, Inc.*—  
*Operation Exemption—City of Temple, TX*

Dear Acting Secretary Quinlan:

Enclosed for filing are the original and 10 copies of a Verified Notice of Exemption under 49 C.F.R. 1150.31, a check covering the \$1,800.00 filing fee, and a CD with the file Notice of Exemption.

Please time and date stamp the extra copy of this letter and the Verified Notice of Exemption and return them with our messenger. Thank you for your assistance.

If you have any questions, please call or email me.

ENTERED  
Office of Proceedings  
JUN 29 2009  
Part of  
Public Record

Sincerely yours

A handwritten signature in black ink, appearing to read 'Louis E. Gitomer'.

Louis E. Gitomer  
Attorney for: *Temple & Central Texas Railway, Inc.*

Enclosures

**FILED**  
JUN 29 2009  
SURFACE  
TRANSPORTATION BOARD

**FEE RECEIVED**  
JUN 29 2009  
SURFACE  
TRANSPORTATION BOARD

225294



BEFORE THE  
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35255

TEMPLE & CENTRAL TEXAS RAILWAY, INC.—OPERATION EXEMPTION—  
CITY OF TEMPLE, TX

VERIFIED NOTICE OF EXEMPTION  
Pursuant to 49 C.F.R. § 1150.31, Et Seq.

**FEE RECEIVED**

JUN 29 2009

**SURFACE  
TRANSPORTATION BOARD**

**ENTERED**  
Office of Proceedings

JUN 29 2009

**Part of  
Public Record**

**FILED**  
JUN 29 2009  
**SURFACE  
TRANSPORTATION BOARD**

Louis E. Gitomer, Esq.  
Law Offices of Louis E. Gitomer  
600 Baltimore Avenue  
Suite 301  
Towson, MD 21204  
(202) 466-6532

Attorney for TEMPLE & CENTRAL  
TEXAS RAILWAY, INC.

Dated: June 29, 2009

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

FINANCE DOCKET NO. 35255

---

TEMPLE & CENTRAL TEXAS RAILWAY, INC.—OPERATION EXEMPTION—  
CITY OF TEMPLE, TX

---

VERIFIED NOTICE OF EXEMPTION  
Pursuant to 49 C.F.R. § 1150.31, Et Seq.

---

Temple & Central Texas Railway, Inc. (“TC”), a noncarrier, files this Notice of Exemption, pursuant to 49 C.F.R. Part 1150, Subpart D – Exempt Transactions, with the Surface Transportation Board (the “Board”) to permit TC to operate over about 7.7 miles of unmarked railroad track owned by the City of Temple TX, in the City of Temple, Bell County, TX (the “Line”). The Line is the first line of railroad to be operated by TC as a line of railroad.

In support of this Notice of Exemption, TC submits the following information as required by 49 C.F.R. § 1150.33:

a. Full name and address of applicant:

Temple & Central Texas Railway, Inc.  
One Boca Place  
2255 Glades Road, Suite 342W,  
Boca Raton, FL 33431  
(561) 443-5300

**b. Applicant's Representative:**

Louis E. Gitomer, Esq.  
Law Offices of Louis E. Gitomer  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204  
(202) 466-6532  
Lou\_Gitomer@verizon.net

**c. TC, as operator, and the City of Temple, as licensor, have entered a Railroad License and**

**Operating Agreement dated as of June 26, 2009.**

**d. The operator of the Line will be TC.**

**e. Summary of proposed transaction:**

**1. The name and address of the railroad transferring the property is:**

City of Temple, Texas  
2 North Main Street  
Temple, TX 76501

The City of Temple is not a carrier. The City of Temple constructed the Line as part of the development of an industrial park in the Temple Reinvestment Zone. The City of Temple has licensed TC to provide operations over the Line.

**2. The proposed time schedule for the consummation of the transaction is on or after August 1, 2009.**

**3. The mileposts of the subject property, including any branch lines. There are no mileposts on the Line.**

**4. TC will operate over 7.7 route miles as a common carrier railroad. TC intends to interchange traffic with the BNSF Railway Company ("BNSF").**

**f. A color map of the Line is attached as Exhibit C.**

**g. A Certificate of Compliance with the provisions of 49 CFR § 1150.33(g) is attached as**

**Exhibit A.**

**h. There are no interchange commitments or paper barriers in the Railroad License and Operating Agreement between TC and Temple. Nor will there be any interchange commitments or paper barriers in the Interchange Agreement between TC and BNSF.**

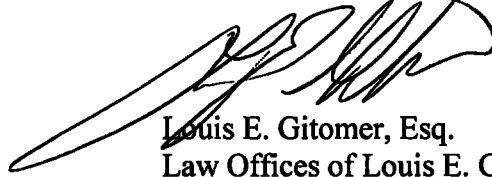
**i. A caption summary, as required by 49 C.F.R. §1150.34, is attached as Exhibit B.**

**j. No environmental documentation is required because there will be no operational changes that would exceed the thresholds established in 49 CFR §1105.7(e)(4) or (5) and there will be no action that would normally require environmental documentation. Hence, this Notice of Exemption does not require environmental documentation under 49 CFR §1105.6(b)(4) and (c)(2)(i).**

**k. An historic report is not required because TC will operate the Line, will require further Board approval as required to discontinue and abandon any service, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are 50 years old or older. Hence, this Notice of Exemption does not require an historic report under 49 C.F.R. §1105.8(b)(1).**

This action will not significantly affect either the quality of the human environment or energy conservation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Gitomer', written over the printed name.

Louis E. Gitomer, Esq.  
Law Offices of Louis E. Gitomer  
600 Baltimore Avenue  
Suite 301  
Towson, MD 21204  
(202) 466-6532

Attorney for TEMPLE & CENTRAL  
TEXAS RAILWAY, INC.

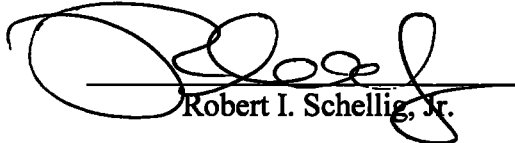
Dated: June 29, 2009

# EXHIBIT A

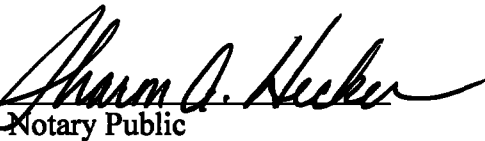
**CERTIFICATION**

State of Florida                    )  
  ) ss:  
County of Palm Beach            )

I, Robert I. Schellig, Jr., being duly sworn, deposes and says that he is Vice-President Law of the Temple & Central Texas Railway, Inc., a Texas corporation, and that the projected annual revenues from the rail operations would not exceed those that would make it a Class III carrier under 49 CFR Part 1201(1-1) and would not exceed \$ 5 million.

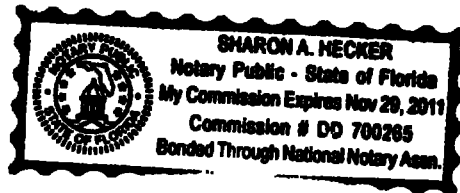
  
Robert I. Schellig, Jr.

Subscribed and sworn to before me this 26<sup>th</sup> day of June 2009.

  
Notary Public

(SEAL)


My Commission Expires: Nov. 29, 2011



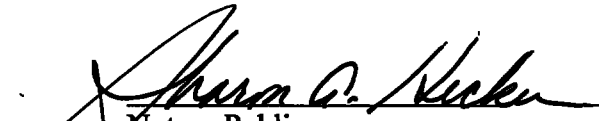
VERIFICATION

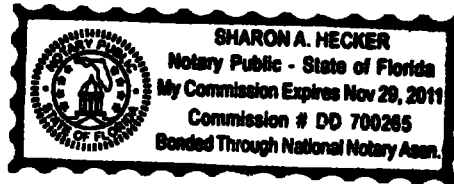
State of Florida                    )  
  ) ss  
County of Palm Beach            )

I, Robert I. Schellig, Jr., being duly sworn, deposes and says that he is Vice-President Law of the Temple & Central Texas Railway, Inc., a Texas corporation, and that I have read the foregoing notice of exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Robert I. Schellig, Jr.

Subscribed and sworn to before me this 26<sup>th</sup> day of June 2009.

  
\_\_\_\_\_  
Notary Public



# **EXHIBIT B – CAPTION SUMMARY**

**SURFACE TRANSPORTATION BOARD**

**Notice of Exemption**

**FINANCE DOCKET NO. 35255**

**TEMPLE & CENTRAL TEXAS RAILWAY, INC.—OPERATION EXEMPTION—  
CITY OF TEMPLE, TX**

Temple & Central Texas Railway, Inc. has filed a notice of exemption to operate over about 7.7 miles of unmarked railroad track owned by the City of Temple, in the City of Temple, Bell County, TX.

The transaction is scheduled to take place on or after August 1, 2009.

A class exemption for Patriot Rail, LLC (“PRL”), and its subsidiaries Patriot Rail Holdings LLC (“PRH”) and Patriot Rail Corp., to continue in control of Temple & Central Texas Railway, Inc., was concurrently filed in Finance Docket No. 35256, *Patriot Rail, LLC, Patriot Rail Holdings LLC, and Patriot Rail Corp.—Continuance in Control Exemption—Temple & Central Texas Railway, Inc.*

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35255, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Esq., Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (202) 466-6532, [Lou\\_Gitomer@verizon.net](mailto:Lou_Gitomer@verizon.net).

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

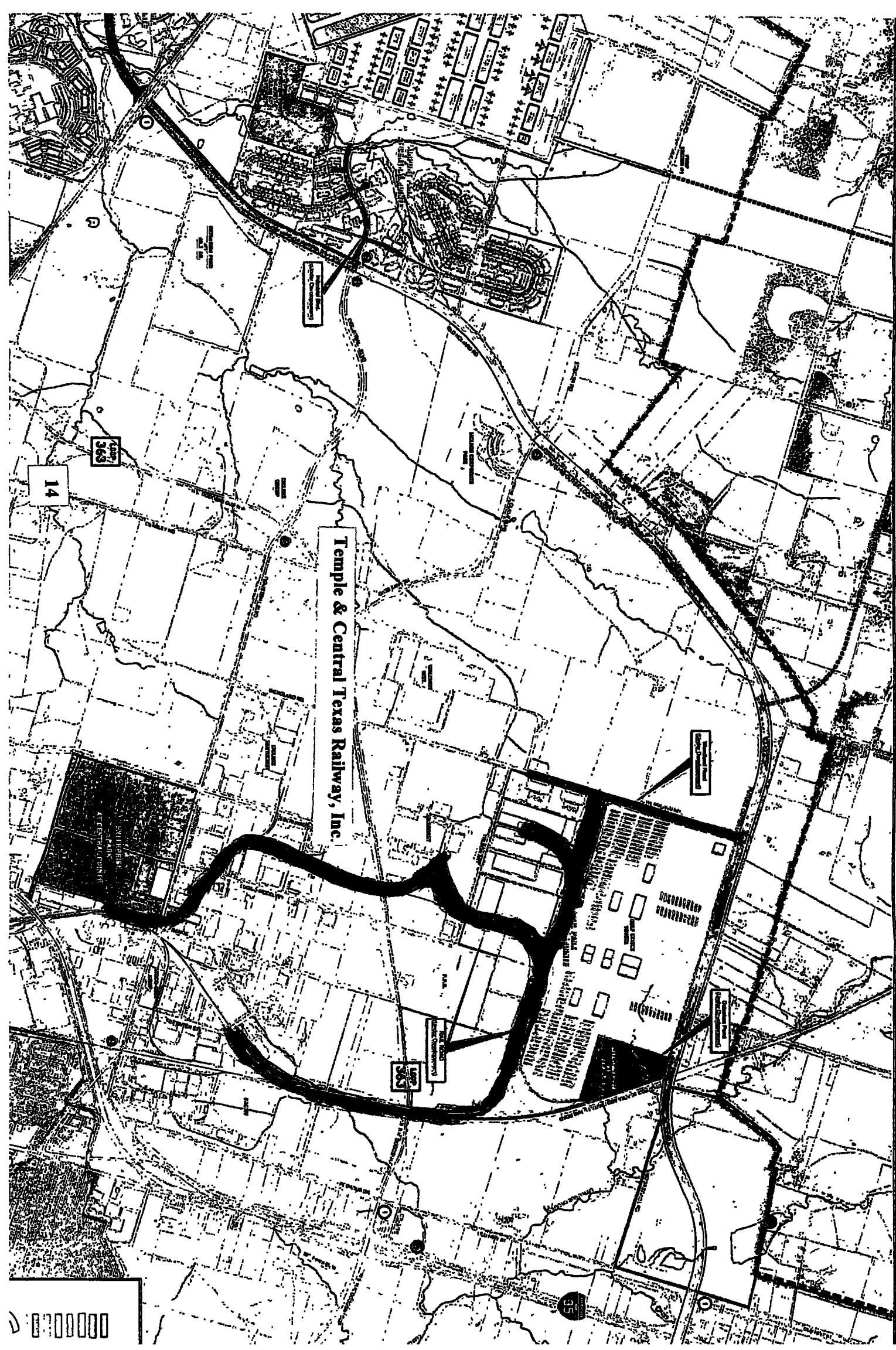
Decided: \_\_\_\_ \_\_, 2008.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Anne K. Quinlan

Acting Secretary

# **EXHIBIT C—MAP**



Temple & Central Texas Railway, Inc.

14

363

363

363

00000000